

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION

**FILED**

JUN 09 2020

Clerk, U.S. District Court  
District Of Montana  
Missoula

BOBBY FRANCIS LOWRY,

Plaintiff,

vs.

MICHAEL D. REGINALD,  
UNKNOWN OWNERS OF  
MONTANA-BASED PRE-RELEASE  
CENTERS,

Defendants.

CV 19-30-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered his Order and Findings and Recommendations on April 23, 2020. (Doc. 21.) He recommends that the Court dismiss this action for failure to prosecute. Plaintiff Bobby Francis Lowry failed to timely object to the Findings and Recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews for clear error those findings and recommendations to which no party objects. *See Thomas v. Arn*, 474 U.S. 140, 149–53 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been made.” *Wash. Mut., Inc. v. United States*, 856 F.3d 711, 721 (9th Cir. 2017)

(citation omitted).


Having reviewed the Findings and Recommendation (Doc. 21), the Court finds no clear error in Judge Johnston's recommendation to dismiss this action for failure to prosecute. Judge Johnston issued three orders to show cause, and Lowry did not respond. Without the participation of the plaintiff, this matter cannot proceed.

Accordingly, IT IS ORDERED:

(1) Judge Johnston's Findings and Recommendations (Doc. 21) is ADOPTED IN FULL; and

(2) this matter is DISMISSED.

DATED this 9<sup>th</sup> day of June, 2020.

  
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Dana L. Christensen, District Judge  
United States District Court